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October 13, 2016

VIA ECF

The Honorable Kiyō Matsumoto
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Shkreli et al., 15 Cr. 637 (E.D.N.Y.)

Dear Judge Matsumoto:

Pursuant to this Court's October 13, 2016 Order, on behalf of Evan Greebel, the following is a list of items that remain outstanding following the government's disclosures in response to the motions filed by the respective defendants for a bill of particulars:

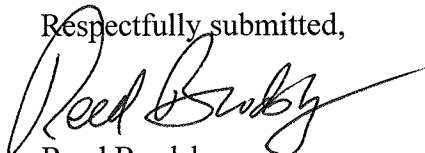
1. Whether the charges against Mr. Greebel include that Mr. Greebel knew in 2012 the following (as apparently assumed in the Superseding Indictment): that "MSMB Capital never invested in Retrophin"; that Mr. Shkreli "defrauded MSMB Capital and MSMB Healthcare investors"; that Mr. Shkreli allegedly made false statements to the SEC; and that Mr. Shkreli needed to "fabricate an investment by MSMB Capital in Retrophin LLC" for purposes of the SEC inquiry. (*See* Greebel Brief, Dkt. 86 at 7; Greebel Reply Brief, Dkt. 92 at 2-3 & n.2; Superseding Indictment ¶¶ 21, 25).
2. Apart from Co-Conspirator 1 (*see* Gov't 9/30/2016 Letter at 1), the names of all other unindicted co-conspirators, including but not limited to whether "Corrupt Employee 1" and/or "Corrupt Employee 2" are co-conspirators. (*See* Greebel Brief, Dkt. 86 at 14-18; Greebel Reply Brief, Dkt. 92 at 4, 5-9).
3. Identification of *all* of the allegedly fraudulent settlement agreements, consulting agreements, and share purchase/transfer agreements in furtherance of Counts Seven and Eight, including the Bates number in the discovery, the parties to the agreement, the date of the agreement, and the author(s) of the agreement. (*See* Greebel Brief, Dkt. 86 at 20-24; Greebel Reply Brief, Dkt. 92 at 9-10). The government has disclosed the names of the parties who entered into settlement agreements referenced in paragraphs 26 to 30 of the Superseding Indictment; and the names of the allegedly defrauded investors from MSMB Healthcare, MSMB Capital, and Elea Capital who entered into consulting agreements. (*See* Gov't 9/30/2016 Letter at 4-5).

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- a) Whether any statements in the agreements were allegedly false (and, if so, identify such statements), or whether the government alleges that the agreements were fraudulent in purpose only. (*See* Greebel Brief, Dkt. 86 at 21-23; Greebel Reply Brief, Dkt. 92 at 9-10).
 - b) Whether there was any transfer of cash and/or shares pursuant to any agreements. (*See* Greebel Brief, Dkt. 86 at 23; Greebel Reply Brief, Dkt. 92 at 9 n.8).
 - c) Whether any parties were investors in Retrophin or other related entities or affiliates (to the extent not already disclosed in the government's September 30, 2016 letter as set forth above), and if so, the amounts invested and purportedly lost by such investors. (*See* Greebel Brief, Dkt. 86 at 23; Greebel Reply Brief, Dkt. 92 at 9 n.8).
4. Names of all of the allegedly defrauded individuals and entities. (*See* Greebel Brief, Dkt. 86 at 18). The government has disclosed the names of the "defrauded Capital or Healthcare Limited Partners who entered into the settlement agreements referenced in paragraphs 26-30 of the Superseding Indictment" and the "defrauded investors from MSMB Healthcare, MSMB Capital, and Elea Capital who entered into sham consulting agreements." (*See* Gov't 9/30/2016 Letter at 4-5).
 5. Any allegedly false and fraudulent statements, representations, and/or omissions made in furtherance of Counts Seven and Eight. (*See* Greebel Brief, Dkt. 86 at 24-25; Greebel Reply Brief, Dkt. 92 at 10).
 6. Starting and ending dates of the charged conspiracies in Counts Seven and Eight, and identification of when and how Mr. Greebel learned of and joined these conspiracies. (*See* Greebel Brief, Dkt. 86 at 25-26; Greebel Reply Brief, Dkt. 92 at 10-11).
 7. Any overt acts not listed in the Superseding Indictment that the government plans to introduce at trial for Count Eight. (*See* Greebel Brief, Dkt. 86 at 26-28; Greebel Reply Brief, Dkt. 92 at 11-12).

Respectfully submitted,



Reed Brodsky